

74. (Three Times Amended) A method of interfacing a first engagement member on a snowboard boot with a second engagement member, on a snowboard binding, that is engageable with the first engagement member to mount the snowboard boot to the snowboard binding and prevent safety release of the snowboard boot from the snowboard binding during riding, wherein at least one of the first and second engagement members is an active engagement member that is moveable, relative to the one of the snowboard boot or the snowboard binding on which the active engagement member is located, between an open position and a closed position, the method comprising a step of:

(A) stepping the snowboard boot out of the snowboard binding so that the active engagement member automatically moves from the closed position to the open position without operating a lever on the snowboard boot or the snowboard binding, so that the first engagement member is disengaged from the second engagement member.

### REMARKS

In response to the Office Action dated February 7, 2001, Applicants respectfully request reconsideration. To further the prosecution of this application, amendments have been made in the claims, and claims as presented are believed to be in allowable condition.

Initially, the undersigned wishes to thank Examiner Vanaman for the courtesies extended in granting and conducting a telephone interview on May 15, 2001. The substance of the telephone interview is summarized below.

Claims 1-28, 30-43 and 45-78 are pending, with claim 78 being withdrawn from consideration. Claims 24-33, 43, 45-50 and 73 are allowed, with the remaining claims being rejected.

### The §112 Rejections

In ¶4 and ¶5 of the Office Action, claims 1-23, 25-28, 30-32, 51-72 and 74-77 are rejected under 35 U.S.C. §112, ¶1 and ¶2 based on language in the claims reciting a binding as being non-releasable and/or language reciting engagement members to "prevent release" during riding. The Office Action asserts that this language is not supported by the specification, which the Office Action contends describes a binding that resists release, but does not prevent it.

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Furthermore, it is asserted that this language is inconsistent with other language in the claims indicating that the engagement members can be released.

As discussed during the telephone interview, the term "non-releasable binding" is a term that is known in the art, and refers to a binding that prevents release of the boot from the binding during riding, even when the rider falls, and is not designed to release when a certain threshold force is encountered. The vast majority of snowboard bindings on the market are non-releasable, which is to be distinguished from conventional ski bindings, which are designed to release when the skier falls during skiing. As is made clear from ¶10 of the Office Action, the Examiner understood the distinction that Applicants were attempting to claim, but noted that the language "non-self-releasing binding" might be more appropriate.

As discussed during the telephone interview, Applicants have adopted the Examiner's recommendation in principle, but have modified the wording slightly to refer to a non-safety-releasable binding, and to refer to the engagement members as preventing "safety release", as this terminology should be well understood by those skilled in the snowboarding art.

It is believed that the above-described amendments should overcome the §112, ¶2 rejection.

With respect to the rejection under §112, ¶1, it is noted that although the specification does not provide word-for-word support for a non-safety-releasable binding, §112, ¶1 is nevertheless met, because the specification clearly conveys to one of ordinary skill in the art that Applicants were in possession of a binding that is non-safety-releasable. For example, the description of the embodiment of Figs. 24-31 provided in the specification at page 36, line 26 - page 39, line 20 would be readily understood by one of ordinary skill in the art as describing a non-safety-releasable binding, wherein engagement between the engagement members at the front end of the boot and binding prevents safety release of the toe area of the boot from the binding during riding. The toe hook and active locking mechanism of Figs. 24-31 is one wherein the toe engagement mechanism can be stepped into simply by stepping the toe portion of the boot straight down into the engagement mechanism on the binding. (page 36, lines 27-30). Once the mechanism is engaged, "no amount of lifting force generated on the toe end of the boot will result in disengagement." (page 37, line 2). In fact, rather than resulting in a release, the specification makes clear that "a lifting force generated on the toe hook 405 actually acts to seat the biased loops 417 deeper into the hook portions 419, rather than acting to cause a release of

the locking mechanism.” (page 38, lines 8-9). The toe engagement mechanism is designed so that it can be disengaged only as a result of the sole of the boot being lifted from the heel end and rolled forward. (page 37, lines 3-5; page 38, line 31). Since the toe engagement mechanism can be used with a rear latching mechanism that locks the heel end of the boot into the binding while riding, it is not possible for the boot sole to achieve the necessary angle to permit release, so that the engagement between the boot and binding at the toe end is a non-safety-releasable engagement that prevents safety release during riding. (page 39, lines 6-14). Conversely, when the rider desires to step out of the binding (i.e., when not riding), the rear mechanism of the binding can be released to enable the heel of the boot to roll forward to then cause a release of the toe engagement mechanism.

While none of the rejected independent claims is limited to the specific embodiment shown in Figs. 24-31 and described in the specification, they do read on this embodiment, and are fully supported by the description thereof in the specification. The specification clearly conveys to one of ordinary skill in the art that the binding disclosed therein is a non-safety-releasable binding that prevents safety release of the toe area from the boot during riding. (see e.g., page 37, line 2 “no amount of lifting force generated on the toe end of the book will result in disengagement.”). Thus, it is believed that the rejection under §112, ¶1 should be withdrawn.

The Office Action maintains the rejection of claim 51 under §112, ¶2, with the Examiner indicating that claims 51-53 continue to be confusing with respect to whether these claims are directed to a snowboard boot alone, or a boot in combination with a binding. As discussed during the telephone interview, each of these claims has been amended to describe the second engagement member as being “adapted to” take some action with respect to the first engagement member. It is believed that these amendments should overcome the Examiner’s concern.

In view of the foregoing, it is believed that claims 1-23, 25-28, 30-32, 51-72 and 74-77 each is fully supported by the specification and particularly points out and distinctly claims subject matter which Applicants regard as the invention. Therefore, it is respectfully asserted that the rejection of these claims under 35 U.S.C. §112, ¶1, and ¶2 be withdrawn.

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Prior Art Rejections

In ¶s 6-9 of the Office Action, claims 1-5, 7-12, 15, 27, 30-32, 51-58, 64, 68 and 74-77 are rejected under 35 U.S.C. §102 or §103 as being anticipated by or obvious over Bader.

As discussed in Applicants' previous papers, Bader is directed to a "safety binding" that releases in the event of a fall during riding (see e.g., the title and page 3, lines 17-20). Each of Applicants' independent claims clearly distinguishes over Bader by referring to a non-safety-releasable binding and/or an engagement member to prevent safety release. Therefore, it is respectfully requested that the prior art rejections be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice of this effect is respectfully requested. If the Examiner believes for any reason that the application is not in condition for allowance, he is respectfully requested to contact the undersigned at the number listed below to discuss any outstanding issues relating to the allowability of the application.

Respectfully submitted,  
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MARKED UP CLAIMS

1. (Four Times Amended) A system for mounting a rider to a snowboard, the system comprising:

a snowboard boot having a sole including a heel area, an arch area and a toe area;

a non-safety-releasable snowboard binding;

a first engagement member; and

a second engagement member;

wherein one of the first and second engagement members is mounted to the sole of the snowboard boot forward of the arch area and the other of the first and second engagement members is mounted to the binding;

wherein the first engagement member is adapted to mate with the second engagement member to engage the snowboard boot to the binding;

wherein the first engagement member is an active engagement member that is movable, relative to the one of the sole of the snowboard boot or the binding to which the first engagement member is mounted, between a first state wherein the first engagement member does not engage the second engagement member and a second state wherein the first engagement member engages the second engagement member to prevent safety release of the toe area of the boot from the binding during riding, and

wherein the active engagement member is automatically movable, in response to the rider stepping out of the binding, from the second state to the first state.

51. (Four Times Amended) A snowboard boot adapted for use with a binding to mount the snowboard boot to a snowboard, the binding including a first engagement member, the snowboard boot comprising:

a sole; and

a second engagement member mounted to the sole to engage the first engagement member;

wherein the second engagement member is an active engagement member and the first engagement member is a compatible engagement member that is engageable with the active engagement member, the active engagement member being movable, relative to the sole, from a first state wherein the active engagement member does not engage the compatible engagement

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member to a second state wherein the active engagement member engages the compatible engagement member to prevent safety release of the second engagement member from the first engagement member during riding; and

wherein the second engagement member is adapted to automatically disengage[s] from the first engagement member in response to the snowboard boot stepping out of engagement with the binding.

52. (Twice Amended) The snowboard boot of claim 51, wherein the second engagement member is adapted to automatically engage[s] the first engagement member in response to the snowboard boot stepping into the binding, and wherein the second engagement member underlies a toe area of the snowboard boot.

53. (Three Times Amended) The snowboard boot of claim 52, wherein the second engagement member is adapted to prevent[s] release from the first engagement member in response to a lifting force generated at the toe area of the snowboard boot.

54. (Three Times Amended) A non-safety-releasable snowboard binding to mount a snowboard boot to a snowboard, the snowboard boot including a first engagement member, the snowboard binding comprising:

a base; and

a second engagement member, mounted to the base, that is adapted to mate with the first engagement member to engage the snowboard boot to the binding, the second engagement member being an active engagement member that is movable relative to the base between a first state wherein the second engagement member does not engage the first engagement member and a second state wherein the second engagement member engages the first engagement member to prevent safety release of the boot from the binding during riding, and wherein the active engagement member is automatically movable, in response to the snowboard boot stepping out of the binding, from the second state to the first state.

61. (Three Times Amended) A non-safety-releasable snowboard binding to mount a snowboard boot to a snowboard, the snowboard boot including a first engagement member, the snowboard binding comprising:

a base; and

a second engagement member, mounted to the base, that is adapted to mate with the first engagement member to engage the snowboard boot to the binding, the second engagement member being an active engagement member that is movable relative to the base between a first state wherein the second engagement member does not engage the first engagement member and a second state wherein the second engagement member engages the first engagement member to prevent safety release of the boot from the binding during riding, and wherein the active engagement member is automatically movable, in response to the snowboard boot stepping out of the binding, from the second state to the first state.

74. (Three Times Amended) A method of interfacing a first engagement member on a snowboard boot with a second engagement member, on a snowboard binding, that is engageable with the first engagement member to mount the snowboard boot to the snowboard binding and prevent safety release of the snowboard boot from the snowboard binding during riding, wherein at least one of the first and second engagement members is an active engagement member that is moveable, relative to the one of the snowboard boot or the snowboard binding on which the active engagement member is located, between an open position and a closed position, the method comprising a step of:

(A) stepping the snowboard boot out of the snowboard binding so that the active engagement member automatically moves from the closed position to the open position without operating a lever on the snowboard boot or the snowboard binding, so that the first engagement member is disengaged from the second engagement member.